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Appearances *Pro Hac Vice*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

)	NO. C07-03741-VRW
U.S. SMALL BUSINESS)	
ADMINISTRATION, as Receiver for)	STIPULATION TO EXTEND THE
PROSPERO VENTURES, L.P.,)	DEADLINE FOR CONDUCTING A
)	MEDIATION AND [PROPOSED] ORDER
Plaintiff(s),)	THEREON
)	
v.)	Related Cases:
)	C07-03732-VRW; C07-03736- VRW;
DONALD K. EMERY)	C07-03737- VRW; C07-03738- VRW;
)	C07-03739-VRW
Defendant(s).)	
)	

This stipulation is entered into by and between the Defendant, DONALD K. EMERY, and the Plaintiff, U.S. Small Business Administration, as Receiver for PROSPERO VENTURES, L.P., pursuant to ADR Local Rule 6-5, on the following recitals, terms, and agreements:

RECITALS

This stipulation is entered into with the following facts taken into consideration:

A. On November 2, 2007, the Plaintiff and Defendant filed a Stipulation and Proposed Order Selecting Mediation.

B. On November 5, 2007, the Court referred the case to mediation. The current deadline for completing the mediation session is February 3, 2008.

1 C. The above-referenced Defendant and the defendants in the five listed related cases
2 (collectively the "Defendants") are all represented by the same law firms.

3 D. In order to avoid duplication of efforts and to promote judicial economy, the
4 Plaintiff and the six Defendants agreed to mediate their disputes in one mediation session
5 conducted by the same mediator.

6 E. On November 21, 2007, Plaintiff's counsel and Defendants' counsel participated
7 in an initial ADR phone conference with ADR Program Staff Attorney Daniel Bowling.

8 F. On November 29, 2007, the ADR Program appointed James Barber, Esq. to serve
9 as the mediator for the six above-referenced related cases.

10 G. On December 18, 2007, Plaintiff's counsel and Defendants' counsel participated in
11 a pre-mediation phone conference with Mr. Barber. Defendants' counsel informed Plaintiff's
12 counsel and Mr. Barber that the first available date on which the Defendants and Defendants'
13 counsel are available for a joint mediation session is during the third week in February, 2008.
14 Defendants' counsel explained that two of the Defendants are currently abroad and will not be
15 returning to the United States until February. All Defendants will be present for the mediation.

16 H. During the phone conference, Plaintiff's counsel and Defendants' counsel agreed
17 to conduct the joint mediation session on February 26, 2008, and, if needed, February 27, 2008,
18 subject to this Court's approval.

19 I. Mr. Barber is available on February 26, 2008 and February 27, 2008.

20 J. In order to conserve resources and permit the parties to mediate all six related
21 cases at the same time, the parties request an extension of the deadline for completing the
22 mediation until February 27, 2008.

23 STIPULATION

24 With the above facts taken into consideration, the adequacy and sufficiency of which are
25 hereby acknowledged, the parties do hereby stipulate and agree as follows:

26 I. The deadline for conducting the mediation session shall be extended until February
27 26, 2008.

2. This stipulation may be executed in counterparts and a facsimile and/or electronic signature shall be considered as valid as an original.

Dated: January 3, 2008

DONOGHUE, BARRETT & SINGAL, P.C.

By: /s/ Damien C. Powell

Bruce A. Singal
Damien C. Powell
Appearance *Pro Hac Vice*

Attorneys for Defendant,
DONALD K. EMERY

O'CONNOR & ASSOCIATES

John O'Connor
Attorney for Defendant,
DONALD K. EMERY

Dated: January 3, 2008

COLEMAN & HOROWITT, LLP

By: /s/ Darryl J. Horowitz

Darryl J. Horowitz
Attorneys for Plaintiff

[PROPOSED] ORDER

The parties having stipulated, and good cause appearing,

IT IS HEREBY ORDERED that:

1. The deadline for conducting the mediation session shall be extended until February 27, 2008.
2. No further extensions shall be granted absent extraordinary circumstances.

Dated: _____

HONORABLE VAUGHN R. WALKER
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PROOF OF SERVICE

I, Damien C. Powell, admitted *pro hac vice* in the United States District Court, Northern District of California, declare:

I am a citizen of the United States of America and a resident of the Commonwealth of Massachusetts. I am over the age of eighteen (18) years. My business address is Donoghue, Barrett & Singal, P.C., 1 Beacon Street, Boston MA 02108. The business address of John O'Connor, Esq., the local counsel to the defendant, is One Embarcadero Center, Suite 1020, San Francisco, California 94111.

On January 3, 2008, I served the foregoing document(s) described as **STIPULATION TO EXTEND THE DEADLINE FOR CONDUCTING A MEDIATION AND [PROPOSED] ORDER THEREON** on the interested parties, at the addresses as stated below.

Via Electronic Mail:

Arlene P. Messinger
US Small Business Administration
409 3rd St SW 7th Flr
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202-205-6857

Christine Jean Levin
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Via Federal Express Overnight

Hon. Vaughn R. Walker
U.S. District Court, Northern District
450 Golden Gate Avenue
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct. Executed
on January 3, 2008, in Boston, Massachusetts.

A handwritten signature in black ink, appearing to read 'D. Powell', written over a horizontal line.

Damien C. Powell